

PARTIES JURISDICTION AND VENUE

1. Plaintiff Adam Benadum resides in Franklin County, Ohio. Adam's Parents, Molly and Thomas Benadum, also reside in Franklin County, Ohio.
2. Defendant Enviromatic Corp. of America ("Enviromatic") resides and has its principal place of business in Minneapolis, Minnesota.
3. Defendant Emmanuel Ruiz resides in Chicago, Illinois.
4. This Court has subject matter jurisdiction over this case under 28 U.S.C. §1332 because the parties are citizens of different states, and because the amount in controversy exceeds \$75,000.
5. This Court has personal jurisdiction over Defendants because Defendant Enviromatic resides and has its principal place of business in Minneapolis, Minnesota and Defendant Ruiz resides in Chicago, Illinois. Neither Defendant resides in Ohio.

FACTS

6. On May 23, 2022, at nearly 8:00 a.m., Adam Benadum was on his way to work. Adam was stopped at a red light at the intersection of Olentangy River Road and West Henderson Road. Adam is a college student at Ohio University who was diligently working a summer landscape job.
7. Defendant Ruiz was operating a large commercial van on behalf of defendant Enviromatic Corp. of America. Ruiz approached the intersection at a high rate of speed slamming in the rear of Adam's car forcing Adam into the car in front of him.
8. The collision was so horrific it caused Adam's car to flip on its side due to the sheer force of the collision. Adam sustained severe head and other trauma in the crash and was initially unconscious after his car came to rest.

9. As Adam regained consciousness, he noticed his car was on fire. At that point, with no assistance, Adam kicked out the windshield, and he was somehow able to crawl through the windshield before the car was engulfed in flames.



10. Here is a picture of the aftermath of the crash and Adam's vehicle:



11. Adam was rushed to Riverside Methodist Hospital and hospitalized for roughly twelve hours. He has severe head injuries, including a head laceration and likely brain injury, as well as numerous missing and broken teeth, a broken jaw, facial injuries and fractures, bumps and bruises and other orthopedic injuries. Adam also has severe emotional distress from the collision.

COUNT ONE
(Negligence/Recklessness)

12. Plaintiffs repeat and reallege the allegations set forth in the preceding paragraphs as if fully rewritten herein.

13. Defendants had a common law and statutory duty to safely and lawfully operate the van, yield to drivers with the right of way, and to take other reasonable steps and/or follow other laws to safely operate the van.

14. Plaintiff Adam Benadum was lawfully operating his vehicle on a public roadway and had the right of way.

15. Defendants breached their duties of care and proximately caused Plaintiff's severe physical and mental injuries and damages.

16. Upon information and belief, Defendant Ruiz was acting within the course and scope of his employment with Enviromatic and therefore, Enviromatic is vicariously liable for his conduct.

17. Defendants' conduct both vicariously and directly, presented a reckless disregard for the rights and safety of the motorists of Ohio, including Plaintiff Adam Benadum.

18. Defendants' actions and omissions demonstrate malice and Enviromatic knowingly authorized, participated in, and ratified actions and omissions of Defendant Ruiz.

19. As a direct and proximate result of Defendants' negligence, negligence *per se* and/or reckless actions or omissions, Plaintiff Adam Benadum was severely injured and suffered significant damages. He has additionally suffered past, present, and future pain and suffering, mental anguish, and loss of capacity for enjoyment of life.

COUNT TWO
(Negligence *Per Se*)

20. Plaintiffs repeat and reallege the foregoing paragraphs as if fully rewritten hereunder.

21. Defendant Ruiz had a duty to operate his vehicle safely and to avoid violating city and state laws and ordinances regulating the proper operation of motor vehicles on public streets, which includes, but is not limited to R.C. 4511.43. This statutory provision requires the operator of a motor vehicle to observe posted speed limits, maintain assured clear distance to vehicles in front and to yield to vehicles lawfully stopped in front of each driver.

22. Defendant Ruiz violated all the foregoing duties, as well as his duties to drive safely and reasonably, pay attention to the road, avoid engaging in an active course of conduct that resulted in severe harm to Plaintiff Adam Benadum. Indeed, the traffic crash report concludes that Ruiz's failure to yield caused the crash.

23. Defendant Ruiz's conduct constitutes negligence *per se*.

24. Defendant Ruiz's actions constitute a conscious, reckless and/or wanton disregard for the rights and safety of Plaintiff Adam Benadum.

25. Upon information and belief, Defendant Ruiz was acting within the course and scope of his employment with Enviromatic and therefore, Enviromatic is vicariously liable for his conduct.

26. Defendants' conduct both vicariously and directly, presented a reckless disregard for the rights and safety of the motorists of Ohio, including Plaintiff Adam Benadum.

27. Defendants' actions and omissions demonstrate malice and Enviromatic knowingly authorized, participated in, and ratified actions and omissions of Defendant Ruiz.

28. As a direct and proximate result of Defendants' negligence *per se* and/or reckless actions or omissions, Plaintiff Adam Benadum was severely injured and suffered significant damages. He has additionally suffered past, present, and future pain and suffering, mental anguish, and loss of capacity for enjoyment of life.

29. Plaintiff's damages are permanent and continuing.

COUNT THREE
(Loss of Consortium)

30. Plaintiffs hereby incorporate by reference the preceding paragraphs of this Complaint as if fully recited herein.

31. At the time of the crash, Plaintiffs Molly and Thomas Benadum, were the biological mother and father of Adam Benadum.

32. As a direct and proximate result of Defendants' acts and omissions described above, Plaintiffs have suffered a loss of consortium in an amount to be determined at trial. Plaintiffs' loss of consortium includes, without limitation, loss of society and companionship, and the value of nursing care provided to their son. They are entitled to full compensation for their loss in an amount determined at trial.

33. The loss of consortium and damages arising therefrom is continuing in nature.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand judgment against all Defendants as follows:

- a. Just and fair compensation for each Plaintiff far in excess of \$75,000;
- b. Punitive damages in an amount to be determined at trial;
- c. Attorney's fees, costs, prejudgment interest and post judgment interest;
and
- d. Any other relief this Court deems just and equitable.

Respectfully submitted,

/s/ Rex H. Elliott

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JURY DEMAND

Plaintiffs hereby demand a trial by jury on all issues triable under law.

/s/ Rex H. Elliott